

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CURTIS WHEAT,

Plaintiff,

v.

FIFTH THIRD BANK,

Defendant.

: Case No. 1:11-cv-00737  
:  
: Judge Susan J. Dlott  
:  
: **SUPPLEMENTAL ORDER**  
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On January 6, 2017, this Court issued an Order regarding the amount of reimbursable expenses that counsel of record, Sandra J. Fortson, Esq., has incurred in the course of prosecuting this litigation on behalf of her client, Plaintiff Curtis Wheat. (Doc. 142.) On that same date, Mr. Wheat sent an email to the Court's Law Clerk, to which he attached a seven-page letter to the Court dated January 5, 2017. In this unexpected and *ex parte* letter, Mr. Wheat challenged the bulk of Ms. Fortson's requests for reimbursement.

The Court's January 6 Order was issued without prior review of Mr. Wheat's January 5 letter.<sup>1</sup> The Court has since considered the "troubling points" identified by Mr. Wheat regarding the materials submitted by Ms. Fortson for review. Coincidentally, many of them were addressed by the Court, *sua sponte*, in the original Order. Two categories, however, require supplementation.

First, regarding **Travel, Lodging, and Parking**, specifically 10-11 January 2012 (FBA Admissions Ceremony): The Court takes judicial notice of the fact that Ms. Fortson was admitted to practice in the State of Ohio on November 7, 1988. Accordingly, she was *required*

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<sup>1</sup> The Court's Law Clerk was absent from Chambers on January 6, 2017.

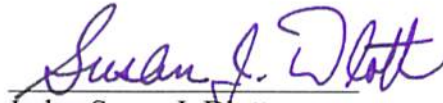
to seek admission as a permanent member of the bar of this Court when she formally undertook representation of Mr. Wheat. *See* S.D. Ohio Civ. R. 83.3(b), (c). Her expenses, therefore, are reimbursable.

Second, regarding **Psychologist/Expert**: Based on the materials submitted by Ms. Fortson, the Court did not allow this \$32,200.00 expense. (Doc. 142 at PageID 1659–61.) Mr. Wheat’s remarks, though, have escalated the Court’s concern as to possible questionable conduct on the part of Ms. Fortson. The Court reaffirms its initial determination, concluding now that under *no* circumstance should this expense be allowed.

The Clerk is directed to send a copy of this Supplemental Order by regular, U.S. Mail to Plaintiff Curtis Wheat.

**IT IS SO ORDERED.**

Dated:

  
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Judge Susan J. Dlott  
United States District Court